

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 25, 1957
10:00 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll Call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works

Invocation was delivered by FATHER WM. F. BLAKESLEE, St. Austin's Catholic Church, 2010 Guadalupe.

Councilman White moved that the Minutes of July 18, 1957 be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council welcomed and greeted, MR. KENT RIDER, President of the Chamber of Commerce, and his son KENT RIDER.

MR. CLYDE MALONE, Manager Austin Transit Corp. submitted the following route changes:

"July 24, 1957

"Hon. Tom Miller, Mayor
and Members of Austin City Council
Austin, Texas

"Dear Council Members:

"I would like to suggest that the following change be made on our St. Edward's route in order to better serve the area on South First St. between Radam Lane and West Oltorf.

"At present, the St. Edward's route goes south on South Congress to Radam Lane, turns around and returns to town over the same route. The proposed change would

be to go south on South Congress to Radam Lane, west on Radam Lane to South First, north on South First to West Oltorf, east on West Oltorf to South Congress and north on South Congress to 6th & Congress.

"At present the South First area is being served by the St. Elmo route which serves the area with four (4) trips in the morning and four (4) trips in the afternoon -- no service in this area between 9:30 a.m. and 3:30 p.m. By making this change on the St. Edward's route to cover this area, residents in this area would have thirty (30) minutes between buses from 6:00 a.m. to 7:00 p.m. This would mean twenty-seven (27) trips a day compared to the eight (8) trips that they are now receiving.

"In order to serve the Southwood Addition and the area around South Fifth and West Oltorf, we would like to extend our present South First line from South First and West Live Oak south to West Oltorf, west on West Oltorf to South Fifth, north on South Fifth to our present route at South Fifth & W. Live Oak.

"Your approval of these changes will be sincerely appreciated.

"Very truly yours,
(Sgd) C. R. Malone
C. R. Malone
Manager

"CRM:dg"

Councilman White moved that the recommendation of the Austin Transit Corp. as submitted by Mr. Malone to change the routing, be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mr. Malone stated he wanted to put the change into effect September 8th.

MR. VOLLEY S. WILLIAMS, 1508 Edgecliff Terrace, came before the Council, asking permission to tie on to a neighbor's water tap, as there were seven houses being served on one line, and his house was the last house, and was not getting sufficient water. The City Manager explained there was no street to serve that property, as Edgecliff, so far as dedication is concerned, stops before it reaches the property. He stated it would be necessary that a plat be submitted and approved as a subdivision; and under the state law, the City was not authorized to serve water to customers in an area where a subdivision has not been approved. The Council tried to get Mr. V. S. Williams to get the owner of the rest of the property to file the subdivision plat. The City Manager stated there would be a sewage line constructed to the east, and the river line straightened out, where right-of-way would be needed. The Mayor suggested that this right-of-way be obtained as soon as possible. He told Mr. Williams that the City would do all it could if the situation could be worked out.

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING: (A) LOTS 1 THROUGH 22 AND LOTS 24 THROUGH 64, JEFFERSON VILLAGE, FROM "D" INDUSTRIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND (B) LOTS 23 AND 65, JEFFERSON VILLAGE, FROM "D" INDUSTRIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE AND FIRST HEIGHT AND AREA DISTRICT; ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

With reference to the petition of Gerald W. Modesette, et al, joined by Nelson Puett and Associates, the Mayor announced that the final agreement was reached after Nelson Puett and Associates had filed original deed restrictions on all except three lots, and one of them had been sold and converted into residential. The restrictions were for one family units.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that because of changed conditions the present maximum reasonable and safe speed for the operation of vehicles at the following location is not now forty-five (45) miles per hour, and that its previous finding of a maximum reasonable and safe speed of forty-five (45) miles per hour for the operation of vehicles at the following location should be deleted from Section 33.40 of the Traffic Register:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
East 7th Street	Springdale Road	Airport Boulevard

and,

WHEREAS, after an engineering and traffic investigation the City Council has found the present maximum reasonable and safe speed for the operation of vehicles is forty-five (45) miles per hour at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
East 7th Street	Airport Boulevard	Shady Lane

and,

WHEREAS, after an engineering and traffic investigation the City Council has found that the present maximum reasonable and safe speed for the operation of vehicles is forty (40) miles per hour at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
East 7th Street	Shady Lane	Springdale

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record these findings in Section 33.40 of the Traffic Register.

The motion, seconded by Councilman Pearson, carried by the following vote:
 Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The following zoning, deferred from last week, was brought up:

W. H. BRIGHT & WILLIAM R. BRIGHT	5210-5318 East 5th Street	From "D" Industrial To "C-1" Commercial RECOMMENDED by the Planning Commission
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The Mayor asked those who wished to grant the change from "D" Industrial to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Palmer, Pearson, White
Noes: Councilman Long, Mayor Miller

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

The Council postponed action on the following zoning applications:

J. E. ROBERTS and	200-202 East 17th Street 1701-1705 Brazos Street	From "A" Residence To "O" Office RECOMMENDED
MRS. L. C. BANKS (By T. E. O'Quinn)	204 East 17th Street	From "A" Residence To "GR" General Retail RECOMMENDED

(Postponed for further checking with State Building Commission for Capitol expansion)

MRS. AGNES BURROWS	2314-2318 Longview 1201-1203 West 24th Street	From "B" Residence To "O" Office
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(Postponed at request of MR. FRANK DENIUS, Attorney)

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named and said maps or plans have been considered by the Director of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit in EAST 7TH STREET, from East 5th Street to Airport Boulevard, the centerline

of which underground telephone conduit shall be 15 feet north of and parallel to the south property line of said EAST 7TH STREET.

- (2) An underground telephone conduit in AIRPORT BOULEVARD from East 7th Street to the north end of Montopolis Bridge, the centerline of which underground telephone conduit shall be 25 feet east of and parallel to the west property line of said AIRPORT BOULEVARD.
- (3) An underground telephone conduit crossing AIRPORT BOULEVARD or U. S. HIGHWAY NO. 183, from a point 40 feet south of, and approximately 35 feet west of the north end of Montopolis Bridge, crossing Montopolis Bridge in a southeasterly direction at an angle of 35° with the centerline of said U. S. Highway No. 183, to a point on a line 15 feet west of and parallel to the east property line of said U. S. HIGHWAY NO. 183.
- (4) An underground telephone conduit in U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY from a point 200 feet south of the north end of Montopolis Bridge southerly to a point 155 feet north of the south end of said Montopolis Bridge, the centerline of which underground telephone conduit shall be 15 feet west of and parallel to the east property line of said U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY.
- (5) An underground telephone conduit crossing U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY, from a point 155 feet north of and 22 feet east of the south end of Montopolis Bridge, in a southwesterly direction at an angle of 45° with the centerline of U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY, to a point on a line 20 feet east of and parallel to the west property line of said U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY.
- (6) An underground telephone conduit in U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY, from a point 20 feet north of the south end of Montopolis Bridge southerly to Montopolis Drive, the centerline of which underground telephone conduit shall be 20 feet east of and parallel to the west property line of said U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY.
- (7) An underground telephone conduit in U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY, from Montopolis Drive easterly approximately 5300 feet to a point 825 feet north of the point of curvature of a curve in the west line of said U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY, the centerline of which underground telephone conduit shall be 15 feet east of and parallel to the west line of said U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY.
- (8) An underground telephone conduit in U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY, from a point 825 feet north of the point of curvature of a curve in the west line of said U. S. HIGHWAY NO. 183 southerly to said point of curvature, the centerline of which underground telephone conduit shall be 20 feet east of and parallel to the west property line of said U. S. HIGHWAY NO. 183 or BASTROP HIGHWAY.

(9) An underground telephone conduit in STATE HIGHWAY 71 or BASTROP HIGHWAY, from U. S. Highway 183 to the east corporate limit line of the City of Austin, the centerline of which underground telephone conduit shall be 15 feet east of and parallel to the west property line of said STATE HIGHWAY 71 or BASTROP HIGHWAY.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council considered an offer to purchase the house at 1407 Red River for \$1100. The Council decided to readvertise this house, and the other at 609 East 15th Street.

Councilman Pearson stated a Medical Center was being designed for the area around the Hospital, just on the edge of the restricted off-street parking area. He asked about removing the restriction on off-street parking for this development. It was decided to have the architect, Mr. Gustafson, bring the plans up to the Mayor, and the Mayor could bring it before the Council.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS FOR THE PURPOSE OF DETERMINING THE JOINT RESPONSIBILITIES OF THE CITY AND THE STATE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF THE STREET ILLUMINATION SYSTEM AT THE INTERSECTION OF AIRPORT BOULEVARD, EAST SEVENTH STREET AND COLORADO RIVER BRIDGE AT MONTOPOLIS ON THE ROUTE OF U. S. HIGHWAY 183 AND STATE HIGHWAY 71.

WHEREAS, it is the desire of the City of Austin that a street illumination system be constructed, operated and maintained at the intersection of Airport Boulevard, East Seventh Street and the Colorado River Bridge at Montopolis on the route of U. S. Highway 183 and State Highway 71; and,

WHEREAS, the State Highway Engineer, acting for and in behalf of the State Highway Commission, has made it known to the City of Austin that the State will assist the City by participating in the cost of the construction, maintenance and operation of said street illumination system, conditioned that the City, as contemplated by Senate Bill 415, Acts 46th Legislature, Regular Session, will enter into an agreement with the State for determining

the responsibilities of the parties with reference thereto.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That since the public convenience and safety of the City of Austin and the people of the City require it, said street illumination system shall be constructed, operated and maintained.

SECTION 2. That the City Manager of the City of Austin be and is hereby authorized to execute for and on behalf of the City an agreement and contract with the State of Texas in accordance with and for the purpose of carrying out the terms and provisions of this Resolution, in the form attached hereto and marked "Exhibit A".

SECTION 3. The City Clerk of the City of Austin is hereby directed to attest the agreement and contract and to affix the proper seal of the City thereto.

AGREEMENT FOR CONSTRUCTION, MAINTENANCE
AND OPERATION OF STREET ILLUMINATION SYSTEM
WITHIN MUNICIPALITY

STATE OF TEXAS §

COUNTY OF TRAVIS §

This agreement made this _____ day of _____, 1957, by and between the State of Texas, hereinafter referred to as the "State", party of the first part, and the City of Austin, Travis County, Texas, acting by and through its duly authorized officers under a resolution passed the _____ day of _____, 1957, hereinafter called the "City", party of the second part.

W I T N E S S E T H

WHEREAS, the City has requested the State to contribute financial aid in the construction, maintenance and operation of the street illumination system at the intersection of Airport Boulevard, East Seventh Street and the Colorado River Bridge at Montopolis on the route of U. S. Highway 183 and State Highway 71; and hereinafter referred to as the "Street illumination system", and

WHEREAS, the State Highway Engineer, acting for and in behalf of the State Highway Commission, has made it known to the City that the State will assist the City in the construction, maintenance and operation of said street illumination system, conditioned that the City, as contemplated by Senate Bill 415, Acts 46th Legislature, Regular Session, will enter into an agreement with the State for the purpose of determining the responsibilities of the parties with reference thereto:

A G R E E M E N T

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. Project Authorization

It is understood and agreed between the parties hereto that the City by virtue of the provisions of its charter and the laws of the State of Texas has exclusive control of and jurisdiction over streets and public ways within the incorporated limits of such City, and that the City has requested and consented to the construction, maintenance and operation of the street illumination system, and the State in assisting in the construction, operation and maintenance work does so at the special instance and request of the City.

2. Construction Responsibilities

The State will prepare or provide for the plans and specifications, advertise for bids, and let the construction contract, or otherwise provide for the construction, and will supervise the construction, reconstruction or betterment work as required by said plans. As the project is developed to the construction stage, either as a unit or in increments, the State will secure the City's approval of the construction plans for each increment or the unit prior to award of contract. The cost of the preliminary engineering performed by the State's employees in preparing plans and specifications, advertising for bids and letting of the construction contract will be borne by the State. The cost of the construction engineering performed by the State in supervising the construction work required by the plans and specifications will be shared by the State and the City, with one-half the cost borne by the City and one-half borne by the State.

It is agreed by both parties hereto that the street illumination system shall be designed to provide an average illumination of approximately 0.8 foot candle power on the pavement surface, and that the type of illumination shall be determined by utilizing as a guide the current standard of the Illumination Engineering Society. It is understood that the illumination intensity is stated in this agreement for the purpose of arriving at a preliminary mutual understanding upon which to base design, and that the illumination intensity may vary on sections or portions of the project as may be found desirable by subsequent engineering studies. Final approval of the amount and extend of illumination shall be evidenced by the approval of both parties of the construction plans.

All costs of constructing the street illumination system, including but not limited to such items as conduits, lamp standards, mast arms, reflector units, lamps, bowls, electrical conductors, wiring, etc. will be financed on a cooperative basis, and one-half the cost of such construction will be borne by the City and one-half by the State.

3. Maintenance and Operation Responsibilities

The City hereby agrees at its expense to furnish the electric energy required for proper operation of the street illumination system, such electric energy to be provided at points on the street illumination system as designated by the State. The City further agrees to maintain and operate the street illumination system in an efficient and sightly condition.

The State hereby agrees to reimburse the City in the amount of 50% of the cost of the electric energy used by the street illumination system and 50% of the cost of the work performed in maintaining and operating the street illumination system in an efficient and sightly condition.

The City and State accept their respective responsibilities in the maintenance and operation of the street illumination system based on a pre-determined per lamp total cost of \$40.00 per year. This charge includes cost for electric energy used by the street illumination system and material, labor and equipment costs for normal maintenance of the system. It does not include the following maintenance:

- (1) Replacement of standards and fixtures that are destroyed or damaged.
- (2) The repairing of buried cable.
- (3) Major repair or replacement of primary transformers.

These major items of maintenance shall be made by the City on a force account basis and one-half of the cost of materials and labor shall be borne by the State.

All request for payment for electrical energy and maintenance operations shall be properly certified and submitted by the City to the District Engineer of the State Highway Department at Austin, Texas. Such requests for payment shall be in accordance with forms prescribed by the State and shall be submitted at not less than monthly intervals.

The City will assume maintenance and operation on a date to correspond with the date construction of the street illumination system is completed and accepted by the State. If the illumination system is constructed by sections this provision shall apply to each such separately constructed section.

This section of this agreement, Section 3 headed "Maintenance and Operation Responsibilities", in respect to the City's responsibility for maintaining and operating the street illumination system and the State's responsibility for 50% participation in the cost thereof shall remain in force for a period of two years from date that maintenance and operation responsibilities are first assumed by the City, after which this section of the agreement will be renewed or a new agreement executed covering these responsibilities. It is understood that all other provisions of this agreement shall remain in full force and effect.

4. General

It is understood that the State's financial participation in construction, maintenance and operation will not extend to and include the construction and maintenance of any primary lines and incidental equipment necessary to connect the illumination system with power stations.

It is understood that the State shall participate in the maintenance and operation work only as long as the project is the route of a State highway, and it is understood and agreed between the parties hereto that all obligations of the State and City as created herein shall terminate if and when the project is no longer the route of a State highway.

The street illumination system shall be jointly owned by the City and State without the right of either party to act independently of the other to sell, donate, or by any other means to relinquish its prorata ownership interest, or any part thereof, to any third party. Unless established by subsequent agreement, approved by both parties, neither the City nor the State shall have the right to remove or relocate any part of the street illumination system except as necessary to accomplish replacement of unserviceable items as required in the normal maintenance and upkeep of the illumination system.

5. Indemnification

The City agrees to indemnify the State against any and all damages and claims for damages to adjoining, abutting or other property for which the State is or may be liable arising out of, incident to or in any way connected with the installation, the construction, the existence, the use, the maintenance and/or operation of the street illumination system and does hereby agree to indemnify the State against any and all court costs, attorneys' fees and all expenses in connection with suits for such damage and shall, if requested to do so in writing, assist or relieve the State from defending any such suits brought against it.

Nothing in this agreement shall be construed to place any liability on the City for personal injury arising out of the construction of the Street illumination system.

Nothing herein contained shall be construed to place upon the State any manner of liability for injury to or death of persons or for damage to or loss of property arising out of or in any manner connected with the maintenance, operation or use of the street illumination system and the City will save the State harmless from any damages arising from said maintenance, operation, and/or use of said illumination system.

It is further understood and agreed between the parties hereto that the State's participation in the construction, maintenance and operation of the street illumination system is for the sole purpose of providing the travelling public a more adequate travel facility and shall never be the basis of any claim for State assumption, or participation in the payment, of any of the obligations of the City incurred in the improvement, past or present, of any street project.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of Austin, Texas, on the _____ day of _____, 1957 and the State Highway Department on the _____ day of _____, 1957.

ATTEST:

CITY OF AUSTIN

City Clerk

BY _____
City Manager

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, establishing policies, or work programs heretofore approved and authorized by the State Highway Commission:

BY _____
State Highway Engineer

APPROVAL RECOMMENDED:

District Engineer

Engineer Road Design

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

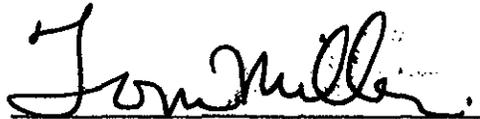
Councilman Long requested that the City Manager have a traffic study of the Intersection of Airport Boulevard and East Avenue; and to try to work out some kind of control at least during the rush hours, or have policemen out there during the rush hours. The City Manager stated he would get a report from the Traffic Engineer.

Councilman Pearson moved that MR. JOHN BRADY, JR., be appointed to serve as Corporation Court Judge for two weeks, August 2nd to August 15th, while Judge Pat Dougherty is on vacation. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

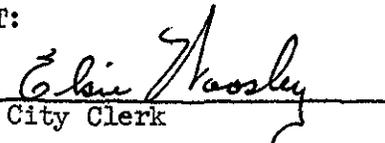
There being no further business, the Council adjourned at 11:20 A.M., subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:


City Clerk